REMARKS/ARGUMENTS

Claims 1-17 are pending in this application. Claims 1 and 5-13 are withdrawn from consideration.

The Office Action indicates that claims 2-4 read on the elected species. Applicants have amended claims 14-17 to depend from claim 2. Therefore, Applicants submit that the claims readable on the elected species are claims 2-4 and 14-17, and thus claims 1 and 5-13 are properly withdrawn from consideration.

The abstract of the disclosure and the title are amended to overcome the Examiner's objections. The disclosure is also amended to correct errors indicated by the Examiner.

Claims 2-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,560,070 to Takino, hereinafter "Takino". Claims 2-4 are independent. Applicants respectfully traverse this rejection.

Claim 2 provides an apparatus including a rotating shaft that holds a disk selectively mounted or removed therefrom, a disk rotator that rotates the disk around the rotating shaft, a positioner that positions a head with respect to the disk and performs an information recording and/or information reproduction operation, and an air-bearing device having a smooth surface facing a surface of the disk. A space between the smooth surface and the surface of the disk is 300 microns or smaller, and the air-bearing device is separable from the disk held by the rotating shaft. The air-bearing device prevents a vibration of the disk during rotation.

Takino discloses a disc cartridge 101/102, including a disc rotational operation mechanism 205 allows a first or second magnetic disc 1 or 15 to undergo rotational operation (col. 17, lines 12-18). A magnetic head unit 210 includes a rotational arm 213 for supporting a head slider 216 adapted so that a magnetic head element 10 is

integrally attached at the front end side thereof, and a voice coil motor 217 for allowing the rotational arm 213 to rotate (col. 17, lines 30-34). When the rotational arm 213 rotates, the head slider 216 attached to the front side of this rotational arm 213 moves along the inner and outer circumferences of the first or second magnetic disc 1 or 15 (col. 17, lines 56-59).

The head slider 216 includes a pair of side rails 230a, 230b, which form an air bearing, formed between the head slider 216 and the first or second magnetic disc 1 or 15 (col. 18, lines 10-15). When the head slider 116 is close to the surface of the first or second magnetic disc 1 or 15 that experience rotational operation, the head slider 116 experiences a floating force produced by an air flow that flows into the portion between side rails 230a, 230b and the surface of the first or second magnetic disc 1 or 15 followed by the rotation of the first or second magnetic disc 1 or 15 so that it floats from the surface of the first or second magnetic disc 1 or 15 (col. 18, lines 25-34). As a result of the head slider 216 and the magnetic head element 10 floating from the first or second magnetic disc 1 or 15, abrasion and/or damage of the first and second magnetic discs 1, 15 and the magnetic head element 10 can be prevented.

The air bearing portion of the slider of Takino is provided solely for ensuring a given separation between the disc and the recording head, to avoid abrasion of the disk or the head. The slider, as shown in Fig. 18, is of a very small area compared to the rotating area of the disc, and consequently has no supporting or stabilizing function on the rotating disc. Indeed, it is the slider that experiences a floating force, and consequently adjusts in relation to the disk. The slider simply cannot exert a significant floating force on the disc, and thus has no significant impact on the position or movement of the disk. Therefore, **the slider of Takino cannot exert a floating force on the disk, and thus prevent disk vibration, as does the air-bearing device of claim 2**.

Thus, Takino fails to disclose or suggest "an air-bearing device having a smooth

Surface facing a surface of said disk, wherein a space between said smooth surface and said surface of said disk is 300 microns or smaller, wherein said air-bearing device is separable from said disk held by said rotating shaft, and wherein said air-bearing device prevents a vibration of said disk during rotation," as recited in claim 2. Therefore, Takino fails to disclose or suggest the elements of claim 2. Accordingly, claim 2 is patentable over Takino.

Claims 3 and 4 include recitals similar to those found in claim 2. For at least reasoning similar to that provided in support of the patentability of claim 2, claims 3 and 4 are patentable over Takino.

For the reasons set forth above, the rejection of claims 2-4 under 35 U.S.C. 102(e) as anticipated by Takino is overcome. Applicants respectfully request that the rejection of claims 2-4 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

Date: 12/21/05

Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500